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17	UNITED STATES D	
18	FOR THE NORTHERN DIS OAKLAND	
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19	BAXTER HEALTHCARE CORPORATION,	
20 21	BAXTER INTERNATIONAL INC., BAXTER HEALTHCARE SA, AND DEKA LIMITED PARTNERSHIP,	Case No. C 07-01359 PJH (JL)
22	TAKTIVEKSIIII ,	STIPULATION OF DISMISSAL OF U.S.
23	Plaintiffs and Counter-defendants,	PATENT NO. 5,324,422 WITH PREJUDICE
24	VS.	
25 26	FRESENIUS MEDICAL CARE HOLDINGS, INC., d/b/a FRESENIUS MEDICAL CARE NORTH AMERICA, and FRESENIUS USA, INC.,	
27	Defendants and Counter-claimants.	
-	STIPLII ATION OF DISMISSAL OF U.S. PATENT NO. 5 324 422	

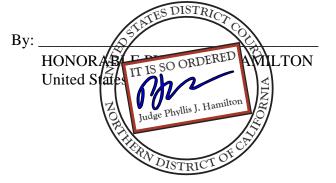
WHEREAS, the parties agree to dismiss all claims, defenses and counterclaims with respect to U.S. Patent No. 5,324,422;

NOW, THEREFORE, the parties and their counsel of record stipulate as follows:

- The parties dismiss from this suit, with prejudice, all claims, defenses and counterclaims relating to U.S. Patent No. 5,324,422, except that, in the event that any of the plaintiffs or their assignee ever assert the '422 patent against products not accused in this action, defendants may assert any defenses or counterclaims that they raised or could have raised in this action; and
- The parties agree that each party shall bear its own costs and attorneys' fees as to such claims, defenses and counterclaims; and

IT IS SO ORDERED.

Dated:	7/2/10	_



1 2 June 23, 2010 June 23, 2010 3 By: /s/ David K. Callahan /s/_ By: /s/ Michael E. Florey_ KIRKLAND & ELLIS LLP FISH & RICHARDSON P.C. 4 David K. Callahan, P.C. (IL 6206671) Juanita R. Brooks (SBN 75934) Garret Leach (pro hac vice) Todd G. Miller (SBN 163200) 5 Mary Zaug (pro hac vice) Michael M. Rosen (SBN 230964) 300 N. LaSalle Street 6 12390 El Camino Real Chicago, Illinois, 60654 San Diego, CA 92130 Telephone: 312-862-2000 7 Facsimile: 312-862-2200 Telephone: (858) 678-5070 Facsimile: (858) 678-5099 8 Robert G. Krupka (SBN 196625) 777 South Figueroa Street 9 Los Angeles, California 90017 Mathias W. Samuel (pro hac vice) Telephone: 213-680-8400 Michael E. Florey (pro hac vice) 10 Facsimile: 213-680-8500 60 South Sixth Street, Suite 3200 Minneapolis, MN 55402 11 Rachel Walsh (SBN 250568) Telephone: (612) 335-5070 555 California Street Facsimile: (612) 288-9696 12 San Francisco, California, 94104 Telephone: 415-439-1400 13 Facsimile: 415-439-1500 Limin Zheng (SBN 226875) 500 Arguello Street, Suite 400 Attorneys For Plaintiffs and Counter-14 Redwood City, CA 94053 defendants Telephone: (650) 839-5070 BAXTER HEALTHCARE CORPORATION. 15 Facsimile: (650) 839-5071 **BAXTER** INTERNATIONAL INC.. and 16 BAXTER HEALTHCARE SA Attorneys for Defendants and Counter-17 claimants FRESENIUS MEDICAL CARE June 23, 2010 HOLDINGS, INC. AND FRESENIUS 18 By: /s/ Maureen K. Toohey /s/_ USA. INC. Maureen K. Toohey (SBN 196401) 19 TOOHEY LAW GROUP 20 One Financial Center, 15th Floor Boston, Massachusetts 02111 21 Telephone: (617) 748-5511 22 COBLENTZ, PATCH, DUFFY & BASS LLP Howard A. Slavitt (SBN 172840) 23 Zuzana Ikels (St. Bar No. 208671) One Ferry Building, Suite 200 24 San Francisco, California 94111-4213 Telephone: (415) 391-4800 25 Facsimile: (415) 989-1663 26 Attorneys for Plaintiff and Counter-defendant DEKA PRODUCTS LIMITED PARTNERSHIP 27

1	ELECTRONIC FILING DECLARATION OF DAVID K. CALLAHAN, P.C.	
2		
3	I, David K. Callahan, declare as follows:	
4	1. I am a partner at Kirkland & Ellis LLP, and I am Baxter Healthcare	
5	Corporation's, Baxter International Inc.'s, and Baxter Healthcare SA's legal	
6	counsel in the above-captioned litigation.	
7	2. Pursuant to the Northern District of California Electronic Filing Procedures and	
8	General Order No. 45, I attest that Maureen K. Toohey, counsel for Plaintiff	
9	DEKA Products Limited Partnership and Michael E. Florey, counsel for	
10	Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc. concur in the	
11	filing of this document and have granted me permission to electronically file this	
12	document absent their actual signatures.	
13		
14	Dated: June 23, 2010 Respectfully submitted,	
15	Kirkland & Ellis LLP	
16		
17	By: <u>/s David K. Callahan s/</u> David K. Callahan, P.C. (IL 620227),	
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19	Attorney for Plaintiffs and Counter-defendants BAXTER HEALTHCARE CORPORATION,	
20	BAXTER INTERNATIONAL INC., and BAXTER HEALTHCARE SA	
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